

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 H-02 L-03 SCS-03 SCA-01 DHA-02 PRS-01

/023 W

----- 069513

R 221920Z SEP 75

FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC 4811

LIMITED OFFICIAL USE SECTION 1 OF 2 SANTO DOMINGO 4104

E.O. 11652: N/A

TAGS: PINT, CASC, DR

SUBJECT: THREE PUERTO RICAN PRISONERS

REF: A. STATE 223020, B. SD 4013

1. FOLLOWING IS PROPOSED FOLLOW-UP RESPONSE TO LETTER OF CONGRESS-  
MAN BADILLO AND OTHER CONGRESSMEN RE THREE PUERTO RICAN PRISONERS:

BEGIN QUOTE

MY LETTER OF SEPTEMBER 18 PROVIDED AN INTERIM REPLY TO YOURS OF  
SEPTEMBER, REGARDING THE THREE U.S. CITIZENS FROM PUERTO RICO  
WHO ARE IMPRISONED IN THE DOMINICAN REPUBLIC. IN IT, I ADVISED  
THAT WE WOULD REQUEST OUR EMBASSY IN SANTO DOMINGO TO REPORT ON  
THE CONCERNS EXPRESSED IN YOUR LETTER. THIS REPORT HAS NOW BEEN  
RECEIVED, AND TOGETHER WITH PREVIOUS EMBASSY REPORTS ON DEVELOP-  
MENTS IN THE CASE, PROVIDE THE BASIS FOR THIS FOLLOW-UP RESPONSE.

THE CONCERN OF THE U.S. EMBASSY AT SANTO DOMINGO AND OF THE DEPART-  
MENT WITH THE CASES OF MESSRS. ANGEL GANDIA, JOHNNY SAMPSON AND  
RAUL GARCIA DATES FROM THE TIME WE FIRST LEARNED OF THE DETENTION OF  
THESE THREE U.S. CITIZENS FROM PUERTO RICO BY THE DOMINICAN MILITARY  
AUTHORITIES, I.E. LAST JUNE 5. SINCE THAT TIME, CONTRARY TO ALLEGA-  
TIONS THAT HAVE BEEN MADE FROM TIME TO TIME, THE EMBASSY ON ITS  
OWN INITIATIVES AS WELL AS IN COMPLIANCE WITH THE DEPARTMENT'S IN-  
STRUCTIONS, HAS MAINTAINED CONTINUOUS CONTACT AND MADE VIGOROUS  
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REPRESENTATIONS TO THE RESPONSIBLE DOMINICAN AUTHORITIES TO ASSURE

HUMANE AND EQUITABLE TREATMENT OF THE THREE DETAINED PERSONS. THE EMBASSY HAS MADE ARRANGEMENTS WITH DOMINICAN OFFICIALS FOR FAMILY MEMBERS AND LEGAL REPRESENTATIVES TO VISIT THE THREE PRISONERS, AND CONSULAR OFFICERS HAVE VISITED THEM ON THE AVERAGE OF ONCE A WEEK. THE EMBASSY HAS SUCCEEDED IN PERSUADING THE DOMINICAN AUTHORITIES TO PERMIT THE MEN TO STAY TOGETHER DURING THEIR INCARCERATION, PURSUANT TO THEIR REQUEST.

THE STATEMENT IN YOUR LETTER THAT THE UNITED STATES HAS NOT PUBLICLY DECLARED ITS INTENTION IN THESE CASES TO SEE THAT ITS CITIZENS RECEIVE THE PROTECTION OF THEIR GOVERNMENT IS CORRECT. THE DEPARTMENT HAS NOT DONE SO BECAUSE IT IS AN ESTABLISHED FACT THAT THE U.S. GOVERNMENT AND ITS EMBASSIES CONSCIENTIOUSLY EXERT EVERY EFFORT TO PROTECT ALL U.S. NATIONALS ABROAD; IT DID NOT SEEM NECESSARY TO MAKE A SPECIAL STATEMENT IN THESE CASES SINCE THE DEPARTMENT, OF COURSE, CONSIDERS PUERTO RICANS AS U.S. CITIZENS FULLY ENTITLED TO SUCH PROTECTION.

WE SHARE YOUR INTEREST IN EFFECTING A REUNION OF THE THREE PRISONERS WITH THEIR FAMILIES IN PUERTO RICO AS SOON AS FEASIBLE, AND WE CAN ASSURE YOU THAT WE ARE DOING EVERYTHING NECESSARY TO THAT END IN ACCORDANCE WITH INTERNATIONALLY ACCEPTED PRACTICES.

IN SPECIFIC REPLY TO SEVERAL OBSERVATIONS CONTAINED IN YOUR LETTER, THE EMBASSY REPORTS THAT:

(A) THE THREE WERE HELD INCOMMUNICADO BY DOMINICAN MILITARY AUTHORITIES FROM JUNE 2, WHEN THEY WERE DETAINED, UNTIL JUNE 13, WHEN FOLLOWING STRONG EMBASSY REPRESENTATIONS TO OBTAIN AUTHORIZATION FOR SUCH VISIT, AN EMBASSY CONSULAR OFFICER VISITED THEM. IT HAD PROVED NECESSARY TO OVERCOME THE CONTENTION OF DOMINICAN AUTHORITIES THAT SINCE THE THREE WERE CHARGED WITH A GRAVE OFFENSE AGAINST NATIONAL SECURITY, COMPLETION OF QUESTIONING TOOK PRIORITY OVER ACCESS TO THEM.

(B) RESPONSIBLE DOMINICAN OFFICIALS HAVE DENIED ALLEGATIONS THAT THE THREE WERE TORTURED AND CONSULAR OFFICERS WHO SAW THEM WERE LIMITED OFFICIAL USE

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UNABLE TO DETECT INDICATIONS OF PHYSICAL ABUSE. THEY HAD NOT TOLD THE CONSULAR OFFICERS OF PHYSICAL ABUSE DURING ANY OF THE CONSULAR OFFICERS' VISITS PRIOR TO THE HEARING ON JUNE 30, AT WHICH TIME, AND AFTER CONSULTATION WITH COUNSEL, THEY ASSERTED THAT THEIR CONFESSIONS HAD BEEN OBTAINED BY BEATINGS AND OTHER PRESSURES. ON JULY 8, FOR THE FIRST TIME THEY TOLD THE CONSUL GENERAL THAT THEY HAD BEEN BEATEN BY MILITARY INTERROGATORS WHEN FIRST ARRESTED BUT STATED THERE WAS NO WAY THEY COULD PROVE MISTREATMENT WHICH THEY

ALLEGED TOOK PLACE A MONTH BEFORE. THEY STATED FURTHER THEY HAD NOT BEEN MISTREATED SINCE THEY HAD BEEN PLACED IN CIVILIAN CUSTODY ON JUNE 23.

(C) ON JUNE 13, DURING THE FIRST VISIT OF THE EMBASSY CONSULAR OFFICER TO THE THREE DETAINED PUERTO RICANS, THE CONSULAR OFFICER PROVIDED THEM WITH A LIST OF DOMINICAN ATTORNEYS AND ASKED WHETHER THEY WISHED HIM TO ASSIST IN ARRANGING FOR LEGAL REPRESENTATION. THE THREE REPLIED THAT THEY PREFERRED TO BE

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ACTION ARA-10

INFO OCT-01 ISO-00 L-03 H-02 SCS-03 SCA-01 DHA-02 PRS-01

/023 W

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R 221920Z SEP 75

FM AMEMBASSY SANTO DOMINGO  
TO SECSTATE WASHDC 4812

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REPRESENTED BY LAWYERS FROM THE PUERTO RICAN SOCIALIST PARTY (WHO OF COURSE CANNOT PRACTICE LAW IN THE DOMINICAN REPUBLIC). THE CONSULAR OFFICER CONVEYED THIS DESIRE TO AN OFFICIAL OF THE PARTY IN SAN JUAN AND SUGGESTED THAT THE LEGAL REPRESENTATIVES SELECTED GET IN TOUCH AS SOON AS POSSIBLE WITH THE EMBASSY AND APPOINT DOMINICAN ATTORNEYS TO PURSUE THE DEFENSE OF THE THREE DETAINED PERSONS IN ACCORDANCE WITH THE DOMINICAN LEGAL PROCESSES. THE THREE OUTSIDE LAWYERS SELECTED - TWO FROM PUERTO RICO AND ONE FROM NEW YORK - CONTACTED THE EMBASSY ON JUNE 19 AND 20 AND APPOINTED DOMINICAN ATTORNEYS ON JUNE 20. THE ATTORNEYS DID NOT RESPOND TO EMBASSY OFFERS OF ASSISTANCE TO OBTAIN AUTHORIZATION TO VISIT THE PRISONERS; THE ATTORNEYS DID HOWEVER SEE THEM DURING THE WEEK PRIOR TO THE JUNE 30 HEARING ON THE HABEAS CORPUS PETITION.

(D). THE EMBASSY WAS INFORMED THAT ONE OF THE OUTSIDE LAWYERS - MR SCRIBNER - WAS ASKED TO WAIT AT THE AIRPORT FOR ABOUT AN HOUR AND A HALF FOR QUESTIONING BY A DOMINICAN IMMIGRATION OFFICIAL

WHEN HE ARRIVED IN SANTO DOMINGO ON JULY 29. IN RESPONSE TO A QUERY MADE BY A CONSULAR OFFICER ON THIS MATTER, A RESPONSIBLE DOMINICAN OFFICIAL EXPLAINED THAT THIS WAS A CASE OF MISTAKEN IDENTITY. WE ARE UNAWARE OF INSTANCES WHERE LAWYERS FOR THE PRISONERS WERE SUBJECT TO "INTENSE HARASSMENT."

(E) ON JUNE 28, DURING A VISIT TO THE THREE PRISONERS BY A CONSULAR OFFICER, ANGEL GANDIA COMPLAINED OF HEART PAINS, A DOCTOR, SELECTED INDEPENDENTLY BY THE EMBASSY, WAS SENT TO THE LIMITED OFFICIAL USE

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PRISON THE FOLLOWING DAY TO GIVE GANDIA A COMPLETE MEDICAL EXAMINATION, INCLUDING AN ELECTROCARDIOGRAM. ON THE BASIS OF THIS EXAMINATION, THE DOCTOR DETERMINED THAT GANDIA SHOWED NO EVIDENCE OF ANY SERIOUS PHYSICAL DISABILITY. (INCIDENTALLY, PAYMENT FOR THE MEDICAL EXAMINATION WAS MADE BY VOLUNTARY CONTRIBUTIONS FROM EMBASSY OFFICERS.)

(F) DOMINICAN MILITARY AND CIVILIAN OFFICIALS MAINTAIN THAT THE THREE VOLUNTARILY CONFESSED TO BRINGING THREE DOMINICAN GUERRILLAS TO THE DOMINICAN REPUBLIC. ACCORDING TO DOMINICAN ACCOUNTS THE THREE FIRST CONFESSED TO MILITARY AUTHORITIES WHO QUESTIONED THEM INITIALLY. AFTER RECATING BY STATING THAT THE CONFESSIONS HAD BEEN OBTAINED UNDER DURESS, THEY NEVERTHELESS REAFFIRMED THEIR EARLIER CONFESSION TO THE INVESTIGATING JUDGE WHEN HE QUESTIONED THEM AGAIN.

(G) THE APPEAL ON THE CONVICTION OF THE THREE IS TO BE HEARD BY THE APPEALS COURT ON OCTOBER 3. IF THE CONVICTION IS SUSTAINED, THE APPEAL MAY BE CARRIED TO THE SUPREME COURT. IT IS DOMINICAN PRACTICE FOR THE EXECUTIVE NOT TO INTERVENE IN CASES WHICH ARE IN JUDICIAL PROCESS.

I HOPE THE FOREGOING INFORMATION IS RESPONSIVE TO THE POINTS RAISED IN YOUR LETTER, AND I WANT TO ASSURE YOU THAT THE DEPARTMENT AND THE EMBASSY AT SANTO DOMINGO WILL CONTINUE TO EXERT VIGOROUS EFFORTS TO ENSURE THAT THE THREE PUERTO RICAN PRISONERS RECEIVE HUMANE AND EQUITABLE TREATMENT. END QUOTE

2. COMMENT: DEPARTMENT MAY WISH TO ADD SENTENCE ALONG FOLLOWING LINES: "DEPARTMENT OFFICERS DEALING WITH THIS CASE WILL BE PLEASED TO MEET WITH YOU TO DISCUSS SOME OF ITS MORE COMPLEX ASPECTS." WHAT WE HAVE IN MIND IS EMPHASIZING TO BADILLO ORALLY THAT THE TYPE OF PUBLICITY ACCOMPANYING HIS LETTER IS COUNTER-PRODUCTIVE AS FAR AS THE EARLY RELEASE OF THE THREE PUERTO RICANS IS CONCERNED. THIS IS, AND HAS BEEN, THE TIME FOR QUIET DIPLOMACY (HENCE THE ABSENCE OF PUBLIC STATEMENT BY DEPARTMENT), FOR BALAGUER RESPONDS BEST TO SUCH TACTICS AND NEGATIVELY TO PRESS PRESSURE. WE BELIEVE DEPARTMENT SHOULD TRY TO ENLIST BADILLO'S COOPERATION AND THROUGH HIM THAT OF HIS INTERESTED COLLEAGUES

AND OF AS MANY OTHERS AS POSSIBLE WHO ARE SEEKING TO MAKE THIS  
A CAUSE CELEBRE, TO REMAIN SILENT ON THIS ISSUE UNTIL ABOUT A  
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MONTH AFTER THE SUPREME COURT DECISION. IF BY THEN EMBASSY HAS  
NOT SUCCEEDED IN OBTAINING A MARKEDLY SHORTENED SENTENCE OR  
DEPORTATION, WE WOULD ALL REVIEW THE SITUATION.

INCIDENTALLY, THE DEPARTMENT MIGHT ALSO WISH TO TAKE THE  
OCCASION TO BE SOLICITIOUS OF BADILLO'S WELFARE: HE HAS COME HERE  
UNANNOUNCED ON SEVERAL OCCASIONS (WITHOUT CONTACTING THE EMBASSY)  
AND HAS BEEN TAKEN IN TOW, WE UNDERSTAND, BY FRANK CABRAL  
UNSAVORY THUG WHO IS PROTEGE OF PRESIDENT BALAGUER'S SISTER.  
DESCRIBING THE BALAGUER GOVERNMENT AS "CIA-LINKED" WILL NOT  
ENDEAR BADILLO TO SOME DOMINICANS. HE WOULD BE WELL-ADVISED TO  
ESCHEW FURTHER VISITS WITHOUT PRIOR CONSULTATION WITH DEPARTMENT  
AND EMBASSY.  
HURWITCH

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## Message Attributes

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